

REMARKS

The Office Action mailed May 11, 2009 has been received and reviewed. Each of claims 1-7, 9, 12-18, and 42-46 stands rejected. Each of claims 1, 5, and 42 has been amended herein. Claim 44 has been canceled, and claim 47 has been added as set forth herein. Care has been exercised to introduce no new subject matter. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Rejections based on 35 U.S.C. § 103

A). Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, suggestion, or motivation either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference, or to combine prior art reference teachings, to produce the claimed invention. See, *Application of Bergel*, 292 F. 2d 955, 956-957 (1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, that “it will

be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007).

B). Rejection of Claims 1, 2, 4-6, 9, 12-16, 18, 42-44, and 46

Claims 1, 2, 4-6, 9, 12-16, 18, 42-44, and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0060643 to Glass et al. (hereinafter the “Glass reference”) in view of U.S. Publication No. 2004/0102366 to Kirsch (hereinafter the “Kirsch reference”) in further view of U.S. Publication No. 2004/0068543 to Seifert (hereinafter the “Seifert reference”). Claim 44 has been canceled herein and, as such, the rejection of claim 44 is rendered moot. As the Glass, Kirsch, and Seifert references, either alone or in combination, fail to teach or suggest all of the features of the rejected claims, as amended herein, Applicants respectfully traverse this rejection, as hereinafter set forth.

Independent claim 1 recites, among other things, an analysis component that examines consecutiveness of characters within a subject line of the message and a content type of the message for spam in connection with building a filter, wherein the content type describes data contained within a body of the message, the content type being case-sensitive and comprises a primary content-type, a secondary content-type, or a combination thereof. Examination of the content type identified in the message can help detect and identify spam since spammers attempt to mimic qualities of non-spam messages. *See e.g.*, pg. 9, lines 11-12 and pg. 18, lines 1-2. The content type can be case-sensitive to more accurately capture variations in content-type notations provided by message sending applications. *See e.g.*, pg. 3, lines 23-25. Further, content-type

can be case-sensitive to more accurately capture variations of primary and/or secondary MIME content types. *See e.g.*, pg. 9, lines 12-14. Additionally, primary content-type and secondary content-type can help identify messages that are forged or misrepresented to make the message appear to be non-spam. *See e.g.*, pg. 3, lines 16-19 and pg. 14, lines 5-7.

It is respectfully submitted that the cited references fail to teach or suggest an analysis component that examines a content type of the message for spam in connection with building a filter, wherein the content type describes data contained within a body of the message, the content type being case-sensitive and comprising a primary content-type, a secondary content-type, or a combination thereof. As stated in the Office Action, neither the Glass nor the Kirsch reference teach or suggest an analysis component that examines a content type of the message for spam in connection with building a filter, wherein the content type is case-sensitive and comprises a primary content-type, a secondary content-type, or a combination thereof. *See Office Action dated 5/11/09, Pg. 3.*

Initially, the Glass reference relates to document similarity detection and a classification system. The Glass reference compares documents to determine a highest level of resemblance between an unclassified document and a set of previously classified documents. *See Glass, Abstract.* The Glass reference is concerned with preclassifying documents to aid in comparing the documents. This is simply placing the documents in a similar format for comparison. The Glass reference does not teach or suggest an analysis component that examines a content type of the message for spam in connection with building a filter, wherein the content type describes data contained within a body of the message, the content type being case-sensitive and comprising a primary content-type, a secondary content-type, or a combination thereof, as recited in amended independent claim 1.

The Kirsch reference is directed to using a ruleset to classify email messages. *See Kirsch*, Abstract. The Kirsch reference mentions “identifying certain senders or content, etc., as spam.” *See id.* at ¶[0004]. Although the Kirsch reference mentions identifying content, it is respectfully submitted that the Kirsch reference fails to teach or suggest an analysis component that examines a content type of the message for spam in connection with building a filter, wherein the content type describes data contained within a body of the message, the content type being case-sensitive and comprising a primary content-type, a secondary content-type, or a combination thereof, as recited in amended independent claim 1.

Further, the Seifert reference fails to overcome the deficiencies of the Glass and Kirsch reference. The Seifert reference is directed to “allowing electronic mail (“e-mail”) users to control the acceptance and transmission of electronically mailed messages over a communications network such as the Internet by permitting the intended recipient . . . to define what is authorized (i.e., acceptable).” *See Seifert*, Abstract. In the Seifert reference, “the e-mail processing agent 100 finds two strings to be ‘equal’ or to ‘match’ only when the length of both strings is equal and the corresponding character codes of both strings are identical when compared with the case sensitivity selected. Thus, ‘Xerox’ and ‘xerox’ are equal to each other with a case insensitive compare, but they are not equal to each with a case sensitive compare.” *Id.* at ¶[0056].

While the Seifert reference discusses case sensitivity that is used for comparing strings, it is respectfully submitted that the Seifert reference does not teach or suggest an analysis component that *examines a content type* of the message for spam *in connection with building a filter*, wherein the *content type describes data contained within a body of the message*, the content type being case-sensitive *and comprising a primary content-type, a secondary content-*

type, or a combination thereof, as recited in amended independent claim 1. Rather, the Seifert reference merely discusses using case sensitivity to compares two strings to determine if the strings match. *See id.* at ¶¶ [0056] and [0057]. There is no discussion, however, regarding examining a *content type of a message* for spam in connection with *building a filter*, wherein the *content type describes data contained within a body of the message*, the content type being case-sensitive and comprising a *primary and/or secondary content-type*, as recited in independent claim 1.

Accordingly, for at least the above reasons, it is respectfully submitted that the Glass, Kirsch, and Seifert references, whether taken alone or in combination, fail to teach or suggest all of the features of independent claim 1, as amended herein. Each of claims 2, 4-6, 9, 12-16, and 18 depend, either directly or indirectly, from amended independent claim 1. Accordingly, it is respectfully submitted that the Glass, Kirsch, and Seifert references fail to teach or suggest all of the features of these claims for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 1, 2, 4-6, 9, 12-16, and 18 is respectfully requested. Each of claims 1, 2, 4-6, 9, 12-16, and 18 is believed to be in condition for allowance and such favorable action is respectfully requested.

Additionally, amended claim 5, which depends from independent claim 1, recites the analysis component determines distance between at least one alpha-numeric character and a blob, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof. It is respectfully submitted that the cited references fail to teach or suggest such a feature. Initially, the Glass reference relates to document similarity detection and a classification system. The Glass reference compares documents to determine a highest level of resemblance between an unclassified document and a set of previously classified documents.

See Glass, Abstract. The Glass reference mentions “[d]etecting messages that have suspicious subject line patterns, such as a series of numbers, as in the case of a subject line like ‘Limited Time Offer 4098309489.’” *See Glass*, ¶[0056]. Although the Glass reference mentions detecting messages with suspicious subject line patterns, the Glass reference does not teach or suggest determining a *distance between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 5, as amended herein.

The Kirsch reference is directed to using a ruleset to classify email messages. *See Kirsch*, Abstract. The Kirsch reference mentions that sample rules might include “1) whether there are two consecutive spaces in the subject line and 2) whether there are more than four ‘non-English’ words in the body.” *See id.* at ¶[0021]. Although the Kirsch reference mentions consecutive spaces in a subject line, it is respectfully submitted that the Kirsch reference fails to teach or suggest determining a *distance between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 5, as amended herein. Rather, in Kirsch, there is merely a discussion of the presence of consecutive spaces in the subject line. This is in stark contrast to determining a distance between a character and a blob comprising a random sequence of characters, numbers, and/or punctuation.

Further, the Seifert reference fails to overcome the deficiencies of the Glass and Kirsch reference. The Seifert reference is directed to “allowing electronic mail (“e-mail”) users to control the acceptance and transmission of electronically mailed messages over a communications network such as the Internet by permitting the intended recipient . . . to define what is authorized (i.e., acceptable).” *See Seifert*, Abstract. In the Seifert reference, “[u]sing the

term ‘word’ to mean one or more alphabetic and/or numeric characters preceded and followed by either a white space or a punctuation character, the preferred e-mail processor 100 permits the characters of a word to be conveniently replaced by the familiar search operator ‘?’ to match any single character in a ‘subject field’ word being examined” *Id.* at ¶[0056]. While the Seifert reference discusses a “word” and a “subject field”, it is respectfully submitted that the Seifert reference does not teach or suggest determining a *distance between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 5, as amended herein. Rather, the Seifert reference merely discusses “word” and “subject field” in regard to text discrimination capabilities. *See id.* at ¶[0057]. There is no discussion, however, regarding determining a *distance between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 5, as amended herein. As such, claim 5 is believed to be in condition for allowance and such favorable action is respectfully requested.

With respect to independent claim 42, independent claim 42, as amended herein recites, among other things, examining the extracted set of features to identify a distance of white-space between at least one alpha-numeric character and a blob, the blob comprising a random sequence of characters, numbers, punctuation, or a combination thereof. It is respectfully submitted that, in addition to the feature discussed with respect to independent claim 1, the cited references fail to teach or suggest such a feature. Initially, the Glass reference relates to document similarity detection and a classification system. The Glass reference compares documents to determine a highest level of resemblance between an unclassified document and a set of previously classified documents. *See Glass*, Abstract. The Glass reference mentions

“[d]etecting messages that have suspicious subject line patterns, such as a series of numbers, as in the case of a subject line like ‘Limited Time Offer 4098309489.’” *See Glass*, ¶[0056]. Although the Glass reference mentions detecting messages with suspicious subject line patterns, the Glass references does not teach or suggest examining the extracted set of features to identify *a distance of white-space characters between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 42, as amended herein.

The Kirsch reference is directed to using a ruleset to classify email messages. *See Kirsch*, Abstract. The Kirsch reference mentions that sample rules might include “1) whether there are two consecutive spaces n the subject line and 2) whether there are more than four ‘non-English’ words in the body.” *See id.* at ¶[0021]. Although the Kirsch reference mentions consecutive spaces in a subject line, it is respectfully submitted that the Kirsch reference fails to teach or suggest examining the extracted set of features to identify *a distance of white-space characters between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 42, as amended herein. Rather, in Kirsch, there is merely a discussion of the presence of consecutive spaces in the subject line. This is in stark contrast to determining a distance comprising white-space characters between a character and a blob comprising a random sequence of characters, numbers, and/or punctuation.

Further, the Seifert reference fails to overcome the deficiencies of the Glass and Kirsch reference. The Seifert reference is directed to “allowing electronic mail (“e-mail”) users to control the acceptance and transmission of electronically mailed messages over a communications network such as the Internet by permitting the intended recipient . . . to define

what is authorized (i.e., acceptable).” See *Seifert*, Abstract. In the Seifert reference, “[u]sing the term ‘word’ to mean one or more alphabetic and/or numeric characters preceded and followed by either a white space or a punctuation character, the preferred e-mail processor 100 permits the characters of a word to be conveniently replaced by the familiar search operator ‘?’ to match any single character in a ‘subject field’ word being examined” *Id.* at ¶[0056]. While the Seifert reference discusses a “word” and a “subject field”, it is respectfully submitted that the Seifert reference does not teach or suggest examining the extracted set of features to identify a *distance of white-space characters between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 42, as amended herein. Rather, the Seifert reference merely discusses “word” and “subject field” in regard to text discrimination capabilities. See *id.* at ¶[0057]. There is no discussion, however, regarding examining the extracted set of features to identify a *distance of white-space characters between at least one alpha-numeric character and a blob*, wherein the blob comprises a random sequence of characters, numbers, punctuation, or a combination thereof, as recited in claim 42, as amended herein.

Accordingly, for at least the above reasons, it is respectfully submitted that the Glass, Kirsch, and Seifert references, whether taken alone or in combination, fail to teach or suggest all of the features of independent claim 42, as amended herein. Each of claims 43 and 45-46 depend, either directly or indirectly, from amended independent claim 42. Accordingly, it is respectfully submitted that the Glass, Kirsch, and Seifert references fail to teach or suggest all of the features of these claims for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 42-43 and 45-46 is respectfully requested. Each of claims

42-43 and 45-46 is believed to be in condition for allowance and such favorable action is respectfully requested.

C). Rejection of Claims 3, 7, 17, and 45

Claims 3, 7, 17, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0060643 to Glass et al. (hereinafter the “Glass reference”) in view of U.S. Publication No. 2004/0102366 to Kirsch (hereinafter the “Kirsch reference”) in further view of U.S. Publication No. 2004/0068543 to Seifert (hereinafter the “Seifert reference”) in further view of Official Notice. As the Glass, Kirsch, and Seifert references, either alone or in combination, fail to teach or suggest all of the features of claims 3, 7, 17, and 45 depend, Applicants respectfully traverse this rejection.

For at least the above reasons, it is respectfully submitted that the Glass, Kirsch, and Seifert references, whether taken alone or in combination, fail to teach or suggest all of the features of independent claims 1 and 42, from which claims 3, 7, 17, and 45 depend. Accordingly, it is respectfully submitted that the Glass, Kirsch, and Seifert references fail to teach or suggest all of the features of claims 3, 7, 17, and 45 for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejections of claims 3, 7, 17, and 45 is respectfully requested. Each of claims 3, 7, 17, and 45 is believed to be in condition for allowance and such favorable action is respectfully requested.

D). New Claim 47

New claim 47 has been added herein. For at least the above-noted reasons set forth with respect to claims 1, 5, and 18, Applicants believe independent claim 47 is in condition for allowance and such favorable action is respectfully requested. In addition, independent claim 47 includes other features not taught or suggested by the Glass, Kirsch, and Seifert references.

For example, none of the cited references teach or suggest determining at least one of a percentage of white space to non-white space in the subject line of the message and a percentage of non-white space and non-numeric characters that are not letters in the subject line of the message.

CONCLUSION

For at least the reasons stated above, claims 1-7, 9, 12-18, 42-43, and 45-47 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or kfeimster@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/KELLY T. FEIMSTER/

Kelly T. Feimster
Reg. No. 57,781

KTF/tl
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550